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15 Attorneys for Defendant/Appellant  
16 ANGEL NOEL GUEVARA

17  
18 **IN THE UNITED STATES DISTRICT COURT**  
19  
20 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

21 UNITED STATES OF AMERICA,	)	<b>Case No. 08-CR-730-WHA</b>
22 Plaintiff,	)	
23	)	STIPULATION TO CORRECT
24	)	RECORD RE: APRIL 6, 2011
25 v.	)	EX-PARTE HEARING; DECLARATION
26	)	OF LUPE MARTINEZ;
27	)	<del>PROPOSED</del> ORDER
28	)	(Volume 7 Pages 1663-1667)
29	)	
30 ANGEL NOEL GUEVARA, et. al.	)	
31 Defendants.	)	
32	)	

33 Defendants/Appellants, Angel Noel Guevara through his undersigned counsel,  
34 identified below, and the government through Assistant United States Attorney Barbara  
35 Stipulation to Correct April 6, 2011 Record;  
36 Declaration of Lupe Martinez; Order

Valliere, pursuant to Federal Rule of Appellate Procedure 10(e)(1), (2) stipulate as follows:

1. The reporter's transcript for the proceedings of April 6, 2011, Volume 7, at pages 1663-1667, indicates an ex-parte hearing was conducted with all defendants present.
2. The government and Guevara stipulate that neither Guevara or his counsel or any defendants or their counsel were present for the ex-parte hearing described at pages 1663-1667 of Volume 7 of the reporter's transcript. The sealed reporter's transcript of the ex-parte hearing of April 6, 2011, Volume 7A, indicates that neither Guevara or his counsel or any defendants or their counsel were present at the ex-parte hearing.

IT IS SO STIPULATED.

Dated: May 4, 2016

\_\_\_\_\_/S/\_\_\_\_\_  
LUPE MARTINEZ  
JAMIE LEE MOORE  
Attorneys for Defendant-Appellant,  
ANGEL NOEL GUEVARA

Dated: May 4, 2016

BRIAN STRETCH  
United States Attorney  
Northern District of California

\_\_\_\_\_/S/\_\_\_\_\_  
BARBARA VALLIERE  
Assistant United States Attorneys

I, Lupe Martinez, declare:

1. I am an attorney licensed to practice law in the State and Federal Courts of California and was appointed to represent appellant Angel Noel Guevara in the district court at trial and on

1 appeal in the above-entitled case.

2 2. I did not attend an ex-parte hearing on April 6, 2011 as indicated at ex parte hearing  
3 transcript for April 7, 2011, Volume 7 at pages 1663-1667.  
4

5 I declare under penalty of perjury that the foregoing is true and correct.

6 Executed this 4<sup>th</sup> day of May 2016 at Aromas, California.

7 \_\_\_\_\_/S/  
8 LUPE MARTINEZ

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12 IT IS SO ORDERED  
13 Date: May 9, 2016.

14  \_\_\_\_\_

15 William Alsup  
16 United States District Judge  
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